United Nations A/C.3/71/SR.21

General Assembly
Seventy-first session

Official Records

Distr.: General
21 November 2016

Original: English

Third Committee

Summary record of the 21st meeting
Held at Headquarters, New York, on Wednesday, 19 October 2016, at 10 a.m.

Chair: Ms. Mejía Vélez ..... (Colombia)

Contents

Agenda item 68: Promotion and protection of human rights (*continued*)

(a) Implementation of human rights instruments (*continued*)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*)

This record is subject to correction.

Corrections should be sent as soon as possible, under the signature of a member of the delegation concerned, to the Chief of the Documents Control Unit (srcorrections@un.org), and incorporated in a copy of the record.

Corrected records will be reissued electronically on the Official Document System of the United Nations (http://documents.un.org).

16-18161 (E)

Please recycle

The meeting was called to order at 10 a.m.

Agenda item 68: Promotion and protection of human rights (*continued*) (A/71/40)

(a) Implementation of human rights instruments (*continued*) (A/71/44, A/71/48, A/71/118, A/71/268, A/71/270, A/71/272, A/71/289, A/71/298, A/71/341 and A/71/385)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*) (A/71/36)

1. **Mr. Ruiz Blanco** (Colombia) said that human rights had suffered during his country's 50-year armed conflict. Ending it was thus a central priority. His President's commitment to negotiating a lasting peace signalled a parallel commitment to strengthening human rights as a part of the peacebuilding process.

2. Colombia had made significant legal progress and institutional changes aimed at recognizing the rights of all Colombians, particularly victims of the conflict. Grave violations of human rights were being investigated and their perpetrators brought to justice.

3. Colombia had ratified most of the international human rights treaties and complied fully with its obligations under them, including its reporting obligations. In 2015 it had presented its fourth and fifth reports under the Convention on the Rights of the Child and its combined fifteenth and sixteenth reports under the International Convention on the Elimination of All Forms of Racial Discrimination. It remained strongly committed to the universal periodic review mechanism and would work to strengthen it.

4. His Government was grateful to the Office of the United Nations High Commissioner for Human Rights for its help in strengthening human rights capacities and its cooperation with government institutions, civil society organizations and the international community in the field of human rights. It would continue to make human rights a priority in the context of its commitment to building peace, strengthening democracy and promoting equitable and inclusive development.

5. **Ms. Mortaji** (Morocco) said that her country had ratified most of the international human rights conventions, including the International Convention for the Protection of All Persons from Enforced Disappearance, and it was one of the originators of the Convention against Torture Initiative to promote universal ratification of the Convention. It had also recently ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol to the International Covenant on Civil and Political Rights.

6. At the national level, Morocco had strengthened its laws and institutions to combat torture, and its implementation of transitional justice was considered exemplary. Its 2011 Constitution recognized universal human rights, criminalized grave violations thereof and established national human rights institutions. It had recently adopted a new, humanistic policy on migration and asylum, and it had also taken steps to improve the legal and institutional framework in the areas of immigration, asylum and human trafficking. It had enacted a law banning the trial of civilians in military courts, and it was working to combat corruption.

7. In accordance with its commitment to economic, cultural and social rights, it promoted all linguistic and cultural expressions. In 2005 it had begun a national human development initiative for its poorest communities, and in 2013 it had launched a new development model for the southern provinces. More recently, in 2015, it had passed laws aimed at strengthening local democracy and broadening the role of regional government.

8. **Mr. Sisa** (Botswana) said that, in view of the chronic underfunding of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, which provided aid to victims of modern slavery, Botswana supported the proposed additional outreach and the idea of creating a group of friends of the Fund.

9. The work of the Office of the United Nations High Commissioner for Human Rights included popularizing human rights issues, conducting capacity-building activities and reporting human rights abuses and violations. Recently, it had spearheaded efforts to integrate human rights into the 2030 Agenda for Sustainable Development and the Paris Agreement on Climate Change. It had also begun to work with civil society and the private sector, rather than limiting itself to States and United Nations entities. In view of its broadening mandate, Botswana supported the appeal for more resources for the Office.

10. **Mr. Mikayilli** (Azerbaijan) said that the 2030 Agenda should help to raise the profile of economic, social and cultural rights, which received inadequate attention. His Government was concerned at the double standards, selectivity and increasing politicization evident in the Human Rights Council. The universal periodic review ensured equal treatment for all States and should be preserved. Azerbaijan had totally or partially accepted most of the recommendations from its 2013 universal periodic review and had submitted voluntary mid-term reports on their implementation.

11. His Government welcomed the improved efficiency and effectiveness of the treaty body system and encouraged the treaty bodies to step up their harmonization efforts. Azerbaijan had acceded to almost all of the core human rights treaties, was working to domesticate them and complied fully with its reporting obligations. It had extended a standing invitation to the special procedures mandate holders, and in 2016 it had hosted visits by the Working Group on Arbitrary Detention and the Special Rapporteur on the situation of human rights defenders. During its visit in April 2015, the Subcommittee on Prevention of Torture had enjoyed unhindered access. His Government looked forward to productive cooperation and open dialogue with the United Nations human rights machinery.

12. **Mr. Zhemeney** (Kazakhstan) said that, in the 10 years since the establishment of the Human Rights Council, it had promoted the protection of human rights effectively and had demonstrated its ability to respond quickly to mass and flagrant human rights violations in different parts of the world. However, Kazakhstan was concerned at the Council's increasing politicization and well as the issue of implementing its resolutions and decisions. The ability to assess progress and monitor implementation was critical. Kazakhstan valued the experience it had acquired both as Vice-Chair of the Council and as an observer State.

13. Since independence, Kazakhstan had endeavoured to strengthen its national human rights system. In furtherance of its goal of joining the top 30 most developed countries, it was implementing institutional reforms designed to ensure fair competition; rule of law; high standards of legal culture; a transparent, accessible and efficient judicial system and a responsible and accountable law enforcement system. In 2016, it had appointed its first ombudsman for children.

14. Kazakhstan had successfully completed the second cycle of the universal periodic review and regularly presented reports to the relevant convention committees. Ten special procedures mandate holders had visited in a short period of time, and in September the Subcommittee on Prevention of Torture had made its first visit.

15. **Ms. Bellout** (Algeria) said that the promotion and protection of human rights equally for all citizens was enshrined in her country's Constitution and had been strengthened by recent constitutional reforms. A new law prohibited gender-based discrimination, and the amended Criminal Code provided greater protection for children.

16. Algeria welcomed the efforts of the Human Rights Council to help States build human rights protection capacity. It valued the universal periodic review system and participated in it actively. Looking to the future, it would be necessary to maintain the global nature of the Council's work, as well as to strengthen its role, improve transparency and reduce selectivity and politicization. The right to development should be at the centre of the collective efforts of the international community to promote and protect human rights.

17. **Mr. Cassidy** (International Labour Organization (ILO)), welcoming the report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/71/385), said that, as indicated in the report, those gateway rights remained inaccessible to the majority of workers and were increasingly threatened by disruptive changes in the global economy. The situation was bleakest for workers in vulnerable situations, such as migrants, women and domestic workers, as well as workers in informal and rural economies.

18. To achieve the goal of decent work for all, it would be necessary to ensure that international labour standards were applied equally across the globe through effective partnerships and innovative action. ILO research and experience had shown that freedom of assembly and association were essential for dialogue among the social partners, which was a key driver for achieving decent work, reducing poverty and

improving conflict resilience. As the globally accepted baseline for fair treatment in the workplace, they should be protected and promoted by all States, in accordance with the recommendations in the Special Rapporteur's report. People must be allowed to have a voice at work and in society in order to advocate for their interests in conditions of dignity and respect.

The meeting rose at 10.35 a.m.

A/C.3/71/SR.22

Readex
Fiche

United Nations A/C.3/71/SR.22

General Assembly
Seventy-first session

Official Records

Distr.: General
7 November 2016

Original: English

Third Committee

Summary record of the 22nd meeting
Held at Headquarters, New York, on Wednesday, 19 October 2016, at 3 p.m.

Chair:	Ms. Mejía Vélez (Chair)	(Colombia)
later:	Mr. Glossner (Vice-Chair)	(Germany)
later:	Ms. Mejía Vélez (Chair)	(Colombia)

Contents

Agenda item 68: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

(c) Human rights situations and reports of special rapporteurs and representatives

This record is subject to correction.

Corrections should be sent as soon as possible, under the signature of a member of the delegation concerned, to the Chief of the Documents Control Unit (srcorrections@un.org), and incorporated in a copy of the record.

Corrected records will be reissued electronically on the Official Document System of the United Nations (http://documents.un.org/).

16-18221 (E)

Please recycle

The meeting was called to order at 3 p.m.

Agenda item 68: Promotion and protection of human rights (*continued*) (A/71/40 and A/C.3/71/4)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (A/71/56, A/71/254, A/71/255, A/71/269, A/71/271, A/71/273, A/71/278, A/71/279, A/71/280, A/71/281, A/71/282, A/71/284, A/71/285, A/71/286, A/71/287, A/71/291, A/71/299, A/71/302, A/71/303, A/71/304, A/71/305, A/71/310, A/71/314, A/71/317, A/71/319, A/71/332, A/71/344, A/71/344/Corr.1, A/71/348, A/71/358, A/71/367, A/71/368, A/71/369, A/71/372, A/71/373, A/71/384, A/71/385 and A/71/405)

(c) Human rights situations and reports of special rapporteurs and representatives (A/71/379-S/2016/788, A/71/540-S/2016/839, A/71/308, A/71/361, A/71/374, A/71/394, A/71/402, A/71/418 and A/71/439)

1. **Mr. Al Hussein** (United Nations High Commissioner for Human Rights), introducing his report (A/71/36), said that despite a number of landmark multilateral commitments, most notably the 2030 Agenda for Sustainable Development, the global consensus around fundamental principles upholding the international system had repeatedly broken down. Although there were encouraging signs of a new global consensus around fighting extreme poverty, during the reporting period a resurgence of intolerance against migrants and racial and religious minorities had presented challenges.

2. Unilateral restrictions by States on migrants and refugees had led to terrible and unnecessary suffering. However, the Summit for Refugees and Migrants held in September 2016 had initiated the process to develop a global compact on safe migration which would enable more rights-based and equitable responses. The Office of the High Commissioner for Human Rights (OHCHR) was prepared to help States develop and implement that compact. There was an urgent need for approaches that embraced human mobility, and although the factors that forced people to leave their homes must be addressed, the resilience, determination and resourcefulness of migrants were assets for all countries.

3. **Ms. Mendelson** (United States of America) said that the High Commissioner, at the September 2016 session of the Human Rights Council, had spoken at length about the growing number of Member States that were denying access to OHCHR and the special procedures of the Human Rights Council. Furthermore, attacks on civil society and repression of dissent around the world were worrying trends, and the United States had noted a pattern whereby certain countries had tried to restrict the participation of civil society organizations at the United Nations as well. For example, non-governmental organizations that focused on lesbian, gay, bisexual and transgender issues had been prevented from participating in high-level meetings. She asked how civil society engagement could be fostered at the United Nations in the face of strong opposition from some countries.

4. *Mr. Glossner (Germany), Vice-Chair, took the Chair.*

5. **Mr. Yao** Shaojun (China) said that his country had some serious concerns regarding the work of the High Commissioner and OHCHR. Although the High Commissioner and OHCHR should be exemplary in their adherence to the Charter of the United Nations, the High Commissioner had recently conferred an award on a criminal who had committed the crime of secession, and employed a separatist who continued to advocate separatist ideas after joining the Office.

6. The High Commissioner and OHCHR should fully respect differences in stages of development and the historical and cultural traditions of different countries and promote international cooperation for human rights, rather than impose certain human rights notions that were particular only to certain countries. Furthermore, the High Commissioner and OHCHR should be impartial, objective and non-selective and prevent the politicization of human rights. OHCHR should also improve its efficiency and transparency and address the imbalance in the geographical distribution in its staffing.

7. **Mr. Dehghani** (Islamic Republic of Iran) said that greater use should be made of the High Commissioner's role in promoting a constructive atmosphere in order to advance dialogue and

cooperation and to avoid double standards, polarization and politicisation. Two ongoing crises in the Middle East had elicited noticeably different reactions from the High Commissioner. The illegitimate invasion of the poorest country in the region had resulted in devastation. Yet, the High Commissioner's reaction had been less than expected, compared with his response to another situation in which a legitimate Government was being ferociously destabilized by the worst terrorist groups of the world and their allies. Flagrant and systematic violations of the human rights of the Palestinians deserved the constant attention of the High Commissioner. Israeli forces and authorities continued to commit crimes against Palestinians in their own homeland and the international community could not and should not witness those crimes over the years without any decisive action to stop them.

8. Any initiative to rationalize the functioning of the Office of the High Commissioner must be conducted in close consultation with Member States in a transparent manner, on the basis of universality, non-politicisation and non-selectivity and with attention to the equitable geographical distribution of its staff. Approval by the General Assembly was a prerequisite.

9. As many as 50 countries had human rights advisers on their United Nations country teams. Yet, despite the alarming increase in police brutality, violations of human rights of migrants and children, which, along with the resurgence of racism, xenophobia, hatred and aggressive nationalism, served as a breeding ground for terrorism, it was still unclear whether the Office could have a presence in the field in developed countries such as the United States. The priorities and principles governing the work of the Office were decided on by Member States. Controversial terms, put forward as Office priorities, did not constitute any commitment on the part of Member States or have any bearing on them.

10. **Mr. Said** (Eritrea) said that Eritrea's partnership with OHCHR had been growing in recent years and his country was committed to strengthening that partnership. While country-specific mandates and double standards were confrontational and counterproductive and undermined efforts to promote and protect human rights, the universal periodic review was a meaningful mechanism for promoting human rights internationally. In May 2016, Eritrea and the United Nations had signed a memorandum of understanding to strengthen its national capacity in the implementation of the universal periodic review recommendations that it had accepted. The memorandum of understanding covered a number of areas, namely development, equity, social services, justice and international cooperation.

11. **Ms. Rasheed** (Observer for the State of Palestine) said that Israel's widespread and systematic violations of international law in the Occupied Palestinian Territory, including home demolitions, evictions, and the siege of the Gaza Strip were continuing with impunity and contempt for international law. She asked the High Commissioner to give an update on the progress that OHCHR had made in implementing the Human Rights Council request for a public database of all businesses involved in Israeli settlement activities and a comprehensive review detailing the status of implementation of the recommendations contained in relevant United Nations reports on the Occupied Palestinian Territory.

12. Her country shared the concern regarding persistent non-cooperation of States with special procedures mandate holders and other United Nations mechanisms. For example, Israel had not cooperated with the previous Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, severely obstructing his work and prompting him to resign. She asked the High Commissioner to describe the measures OHCHR was taking to put an end to Israel's non-cooperation, and what was being done to ensure that the current Rapporteur's mandate was not obstructed.

13. **Mr. Kelly** (Ireland) said that his country was concerned about the growing trend toward non-cooperation with OHCHR, particularly the refusal of Member States to grant OHCHR and other human rights mechanisms access to their countries. Ireland supported the continued efforts of OHCHR to facilitate interaction between the special procedures and other international human rights mechanisms, regional human rights systems, the wider United Nations system, Member States and civil society. He would like to hear more about ways in which interactions between the special procedures and other international human rights mechanisms could be enabled, at what levels,

and any organizational changes that would enable better support for rights-holders.

14. **Mr. Ruiz Blanco** (Colombia) said that Colombia had made significant strides towards peace, with levels of violence at a 50-year low. The joint work undertaken by OHCHR and entities in Colombia had been pivotal in building national and regional response capacity. His delegation was prepared to maintain its permanent dialogue with OHCHR and supported the High Commissioner's mandate, which it hoped would be renewed. The Office should continue its work in Colombia and in all countries which needed and requested its assistance. At the same time, it should be able to make any changes to its structure and procedures considered necessary.

15. **Ms. Belskaya** (Belarus) said that, although OHCHR had launched many initiatives, their effectiveness had been questionable. Of late, it had tended to draw a line between civil society and the State, even though civil society could not legally exist as separate from the State and was bound by obligations conferred on it by the fundamental international human rights treaties. Civil society was starting to become a force that did not complement the State, but rather incited instability, conflict and violence. She invited OHCHR to focus its work on dialogue with Member States, and emphasized the need to respond appropriately to allegations by human rights defenders about the human rights situation.

16. The growth of the treaty body system and the increase in the number of special procedures mandate holders and of recommendations and instructions to States would not enhance the effectiveness of the Office, but diminish it because of the heavier workload. Consequently, many documents had not been ready at the start of the current Third Committee session. In addition, treaty bodies had not complied with the General Assembly resolution on strengthening and enhancing the effective functioning of the human rights treaty body system, meaning that Member States were unable to comply with their periodic reporting obligations. The Human Rights Council was faring little better: it had a heavy agenda, decisions were increasingly adopted without consensus and funds were spent on dubious initiatives and mandates, some of which disregarded national values and the interests of the majority of States. Member States should return to the practice of seeking agreement within the United Nations, rather than settling scores with one another. Greater transparency in recommendations and plans drawn up by OHCHR would also be appreciated; there had been worryingly few consultations with Member States regarding the Change Initiative.

17. **Mr. Sobral Duarte** (Brazil) said that the work of OHCHR and the other human rights bodies and mechanisms, including the activities conducted as part of the International Decade for People of African Descent, and the Free and Equal campaign, had provided invaluable opportunities to better understand and overcome the challenges faced by his country. He wished to reiterate his Government's full support for the fulfilment of the High Commissioner's mandate and to emphasize the unconditional commitment of Brazil to achieving the highest standards of human rights, which formed the basis of its candidacy to the Human Rights Council for the period 2017-2019.

18. His delegation welcomed the additional attention that OHCHR had been paying to protecting and promoting the human rights of refugees and migrants and to combating xenophobia, and would be interested in hearing more about possible initiatives to counter hate speech and on practical measures that could be promoted by the General Assembly to address rising intolerance and violence.

19. **Mr. Jelinski** (Canada) said that his country was concerned about the shrinking of civil society space, including on line, as well as restrictions to freedom of expression, growing inequality, rising intolerance and the challenges faced by human rights defenders and civil society organizations, including reprisals against those cooperating with OHCHR. In order to address emerging threats to human rights and to respond to the needs of the most vulnerable, the available tools must be utilized. He asked what actions were envisaged for OHCHR to enhance field operations and increase partnerships.

20. **Ms. Stamescu** (Romania) said that the international community must act to put an end to human rights violations. In that context, Romania deplored the lack of cooperation of some countries with the High Commissioner and with the mechanisms of the Council, a state of affairs that harmed the mandate of the High Commissioner and undermined the exercise of human rights. Romania was concerned

by the deteriorating humanitarian situations in Syria, the Middle East and some African countries, and reiterated its opposition to the death penalty. She inquired about the capacity of OHCHR to react to rapidly changing human rights crises, and how cooperation among Member States could be improved in order to respond to such situations.

21. **Ms. Anichina** (Russian Federation) said that there had been growing misunderstanding between Member States and OHCHR in the past year about the mandate of the Office. The Russian Federation could not support the approach of making groundless, confrontational criticisms. Under General Assembly resolution 48/141, the High Commissioner could make constructive comments to express concern and draw the attention of the international community to the human rights situation in a given country, but must refrain from politically biased or groundless accusations. Previous statements by OHCHR about the work and decisions of United Nations intergovernmental bodies and the positions of Member States were not only outside its mandate, but also violated Articles 100 and 101 of the Charter of the United Nations. Furthermore, many statements by the High Commissioner were politically biased and overly swayed by emotion. The shift in approach towards monitoring functions exclusively was also worrisome. While it was important to identify and bring to justice all those responsible for violating human rights, OHCHR should provide national bodies with technical and consultative assistance, but not be involved in actually conducting investigations.

22. It seemed that the misunderstanding about the mandate could be resolved through closer compliance with United Nations rules and regulations, such as by agreeing with Member States on the fundamental programmes and projects of OHCHR, notifying United Nations intergovernmental bodies of the High Commissioner's strategic goals in advance and discussing the basic parameters of its strategic framework programmes, especially programme 20 on human rights. The Russian Federation would not turn a blind eye to attempts by OHCHR to acquire powers in excess of those conventionally conferred on bodies of the United Nations Secretariat.

23. **Mr. Habib** (Indonesia), referring to the campaigns conducted by OHCHR on the moratorium on the use of the death penalty, said that each sovereign country had the right to decide how it wished to approach the issue. In addition, given that the Human Rights Council was a key intergovernmental body, OHCHR support for the Council's work should be sustainably strengthened. Lastly, his delegation would welcome more information on the change initiative, since the restructuring process would have significant implications for States as well as for the management of OHCHR.

24. **Mr. Minami** (Japan) said that the relationship between the peace and security and the human rights pillars of the United Nations was vital, since conflict prevention depended on the monitoring of the human rights situation. He asked how the High Commissioner intended to strengthen the working relationship of his Office with bodies of the United Nations specializing in peace and security, and above all, the Security Council. He also wished to know how his Office would strengthen its relationships with other bodies of the United Nations system as part of its engagement to the implementation of the 2030 Agenda.

25. His delegation was interested in the Change Initiative because it advocated strengthening OHCHR presence on the ground. Expressing concern about the effect of the increased number of posts at D-1 level on cost neutrality, he requested more detailed information on how the Change Initiative would affect the relationship between the Office and country teams. He agreed with other delegations that the denial of access to OHCHR staff, special rapporteurs and mandate holders was a cause for concern.

26. **Mr. Shearman** (United Kingdom) said that the United Kingdom supported the independence of OHCHR and its work under the Human Rights Up Front agenda. With his country's strong track record and previous contributions to the United Nations in the area of human rights, it was pleased to be running for re-election to the Human Rights Council. Its election pledge showed the unwavering commitment of the United Kingdom to the promotion and protection of universal rights across the United Nations system. He asked how to reverse the worrying increase worldwide in restrictions of the rights of civil society and strengthen recognition that a strong civil society not only protected the freedom of expression and assembly,

but also contributed to sustainable economic and social development and stability.

27. **Ms. Vilde** (Latvia), reaffirming her country's unwavering support for the independence of the High Commissioner for Human Rights and its appreciation for the rapid response of OHCHR to urgent human rights situations, said that all States must cooperate with United Nations human rights mechanisms if they were to have an impact, and her delegation was particularly concerned by the growing trend towards refusing access to OHCHR and its mechanisms. Latvia was a long-standing advocate of the special procedures, and while the issuing of standing invitations to the special procedures was crucial, it was only a first step in establishing genuine cooperation between mandate holders and States. Latvia was also concerned about the growing workload of the Human Rights Council and by attempts to obstruct its work. She asked what measures could be taken to boost the Council's capacity and efficiency.

28. **Mr. Elmajerbi** (Libya) underscored the importance of strengthening the partnership between OHCHR and the United Nations Support Mission in Libya (UNSMIL) with a view to providing coordinated human rights technical assistance and other forms of support to his country, in accordance with Human Rights Council resolution 31/27. His country had taken note of the recent proposal that an independent expert should be appointed to Libya. It believed, however, that that appointment would create yet another human rights mechanism in Libya, at a time when there were already several mechanisms operating on the ground, including the UNSMIL Human Rights, Transitional Justice and Rule of Law Division. Libya was, moreover, still striving to implement the recommendations made by the OHCHR Investigation on Libya. Rather than creating yet another mechanism, his delegation believed it would be more appropriate to focus on providing Libya with the political and security assistance it needed, which would, in turn, have a positive impact on the human rights situation there. In particular, the international community should support the ongoing efforts by the Presidency Council of the Government of National Accord to strengthen accountability mechanisms and the rule of law, and address key threats to human rights in Libya, including terrorist-related activity and the dangers posed by the spread of weapons among non-State actors. He also urged the international community to support the Presidency Council's efforts to achieve comprehensive reconciliation, and facilitate the return of internally displaced persons and refugees to their homes, which would also have a positive impact on human rights. In closing, he reiterated the invitation to the High Commissioner for Human Rights to visit Libya.

29. **Ms. Al-Temimi** (Qatar) said that her country was committed to supporting the work of OHCHR and the Human Rights Council and was proud to host the United Nations Human Rights Training and Documentation Centre for South-West Asia and the Arab Region. Qatar had, moreover, been elected on three occasions to serve on the Human Rights Council. Furthermore, in January 2016, Qatar had hosted a regional conference on the role of the OHCHR in promoting and protecting human rights in the Arab region, at which participants had discussed best practices and successful strategies for promoting and safeguarding human rights in Arab countries.

30. Qatar was pleased that the report of the High Commissioner had underscored the link between the 2030 Agenda and the right to development. Qatar believed firmly that, in particular, Sustainable Development Goal 16 on the promotion of just, peaceful and inclusive societies could not be achieved without further efforts to address the situation in areas suffering from conflict, where many people had been driven from their homes and denied their most fundamental rights. Qatar looked forward to strengthening its relationship with OHCHR and would continue to strive to promote human rights within the country, the region and beyond.

31. **Mr. Estreme** (Argentina) said that, without adequate and predictable financing of OHCHR and the Human Rights Council, the United Nations would be unable to fulfil its mandate. His delegation wished to reiterate its full support for the change initiative and would welcome an update on the current status of the proposal. It would also like to hear how Argentina could contribute to its swift implementation.

32. **Mr. Al Hussein** (United Nations High Commissioner for Human Rights) said that by precedent, when a representative of OHCHR spoke out publicly on an issue, it did not constitute intervention in a State's domestic jurisdiction and thus a violation of Article 2, paragraph 7, of the Charter of the United

Nations. That precedent had been applied, for example, during the apartheid regime in South Africa when claims by the South African Government that the General Assembly resolution on apartheid violated the provision on intervention in domestic jurisdiction were repeatedly rejected by the General Assembly on the grounds that the word "intervention" implied the use of coercive power. By the same token, critical or encouraging comments by his Office about the role and policies of a Government did not constitute coercive power. He suggested at some stage considering the legal arguments of that interpretation of "intervention" and reviewing the precedent.

33. Civil society appeared to be more involved in United Nations work in Geneva than in New York, probably owing to mechanisms in Geneva such as the Universal Periodic Review. Higher up in the system, issues tended to be more politicized. He expressed concerns at reprisals and restrictions against civil society, as well as at attempts to prevent Special Rapporteurs from accessing areas of perceived human rights violations. If Member States did not allow access to Special Rapporteurs, what were they hiding? There had also been cases where a Government had been unwilling to discuss matters with special procedures of the Human Rights Council, which were independent and had been created specifically by Member States. He remained hopeful that dialogue could be used to reverse such positions and guarantee access.

34. His Office took note of the deep reservations expressed by China and looked forward to discussing those issues at the appropriate time. With regard to geographical distribution of OHCHR staff, the official standard of measurement was by country, not by region. At the start of the year, an impressive 125 nations were represented. There was no official measurement for regions, but his Office did keep track of regional statistics.

35. OHCHR had endeavoured to address the issues raised by Member States on the Change Initiative at the seventieth session of the General Assembly. It would be pre-emptive to discuss the Change Initiative at the current meeting, because the Advisory Committee on Administrative and Budgetary Questions would soon issue a detailed report on it.

36. OHCHR was implementing various action-oriented initiatives to combat intolerance and incitement to violence, such as Human Rights Council resolution A/HRC/RES/16/18 and the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. It was also preparing a report to the Secretary-General on the topic, drawing on information regarding Member States' efforts and views on potential follow-up measures for the resolution. Moreover, his Office had set up an anti-discrimination database on practical means to combat racism, racial discrimination, xenophobia and related intolerance to help Member States identify best practices. Current trends were, however, not propitious, sparking fears for minorities worldwide. Unfair targeting of minorities was sometimes a way in which States distracted the public from structural problems.

37. Turning to the implementation of Human Rights Council resolution A/HRC/RES/31/36 on Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, he said that work had begun and staff had been recruited for the creation of a public database of all businesses involved in Israeli settlement activities.

38. OHCHR would continue to enhance field operations and partnerships in many countries. Although Member States continued to desire partnership, which was a testimony to the success of operations such as the office in Colombia, the future of partnerships largely depended on the availability of funds. He appealed to Member States to assist the Office in that regard.

39. Efficiency and speed were critical in responding to crises. However, staff deployed in the field sometimes had to wait to be granted access and programme budget implications had to be adopted before recruitment could even begin for commissions of inquiry or investigating mechanisms. Although the delay was problematic when some sort of presence was needed urgently, there had been many successful examples of deployment. Member States had proposed several ideas for improving the efficiency of the Human Rights Council, such as decreasing the number of sessions, panel discussions and agenda items. The current proliferation of its work had resulted from the

large number of chronic and serious crises with which Member States were grappling. Ultimately, prevention could be enhanced in countries only if development was viewed as a goal and economic and social rights were domesticated in law. That could, in turn, pave the way to civil and political rights for all. Development and human rights were the basis on which societies could flourish and threats to international peace and security could be prevented.

40. *Ms. Mejía Vélez (Colombia) resumed the Chair.*

41. **Mr. Forax** (European Union), reiterating his delegation's support for the independence and integrity of the mandate of the United Nations High Commissioner for Human Rights and, in particular for the preventative role he embodied, asked what steps could be taken to further develop the "early warning" function of the United Nations in order to help to prevent mass atrocities.

42. **Mr. Matt** (Liechtenstein) said that the devastating situation in Aleppo was at the centre of his delegation's concerns. Since the Security Council had failed to take proper action, a special session of the General Assembly should be convened. The atrocities being perpetrated were only possible in a climate of impunity. He would be interested in hearing the views of the High Commissioner on the matter.

43. **Mr. Torbergsen** (Norway) said that his delegation welcomed the High Commissioner's change initiative for strengthening the presence of the Office of the High Commissioner for Human Rights in the field, noting that it would have a significant impact but would be budget-neutral. Clearly, something was wrong if Member States were not financing, through the regular budget of the United Nations, activities that they had collectively asked the Office of the High Commissioner to undertake. OHCHR must be given the resources it needed to fulfil its mandate.

44. **Ms. Morton** (Australia) said that States were responsible not just for cooperating with OHCHR and providing access to the relevant human rights instruments but also for preventing reprisals against those cooperating with the Office. She asked the High Commissioner to expand on how cooperation access could be ensured in order to obtain practical outcomes on the ground.

45. **Ms. Mballa Eyenga** (Cameroon), reiterating her support for the structural changes proposed by the High Commissioner, said that she hoped that the Secretary-General and the High Commissioner would continue to provide sufficient funding to the Subregional Centre on Human Rights and Democracy in Central Africa to enable it to fulfil its mandate. She looked forward to receiving the relevant report of the Advisory Committee on Administrative and Budgetary Questions. The efforts to combat terrorism posed immense challenges. Children were often the perpetrators of terrorist attacks and were at the same time victims of the terrorist group, Boko Haram, which showed no respect for life or human dignity. Her Government was committed to guaranteeing respect for human rights whatever the circumstances. Corporate social responsibility was essential and initiatives for promoting it must be stepped up.

46. **Mr. Cepero Aguilar** (Cuba), noting that the High Commissioner envisaged making organizational changes to provide better support to Member States, recalled that General Assembly resolution 66/257 established that any changes in the organizational structure must be approved by the General Assembly. He requested further information on the scope and content of the planned changes, pointing out that such changes could have a substantive impact on the relationship between OHCHR and Member States as well as on the management of its priorities. He also wondered what effects they might have on the principle that OHCHR activities must be conducted in response to a prior request for assistance from a Member State.

47. **Mr. Al-Hussaini** (Iraq) said that his country had endeavoured to establish the best possible relationship with the United Nations system, including OHCHR, with a view to strengthening respect for human rights principles, entrenching democracy and promoting human development. Iraq had amended its national laws to bring its legislation into line with international human rights instruments, and had submitted numerous national reports to relevant human rights bodies. He commended the universal periodic review mechanism of the Human Rights Council. The submission by States of national reports under the human rights treaty body system made a significant contribution to efforts to strengthen human rights worldwide. Iraq hoped, moreover, to become a member of the Human Rights Council for the term 2017-2019, and trusted that

Member States would support its candidature in the forthcoming elections to the Council.

48. Although Iraq was engaged in a war against terrorism, it would continue to strive to comply fully with international human rights law. He trusted that Member States would continue to support Iraq in international forums, and continue to support the adoption of resolutions and statements condemning the crimes perpetrated by Islamic State in Iraq and the Levant (ISIL) against Iraqi civilians.

49. **Mr. Kim** Yong Ho (Democratic People's Republic of Korea) said that with regard to the provocative comments by the United States delegation, he wished to clarify once again the position of his country. The Human Rights Council and General Assembly resolutions repeatedly adopted against his country, together with the renewal of the mandate of the Special Rapporteur on the situation of human rights in the Democratic Republic of Korea, were the product of the consistently hostile policy towards his country pursued by the United States and other forces, an affront to the dignity of his country and a desperate effort to eliminate its social system. Far from accepting or acknowledging them, his delegation rejected them totally as a fabrication and an example of politicization and selectivity. They had no relevance, showed no objectivity or impartiality and were not consistent with the genuine protection and promotion of human rights. He advised the United States to address its own, worse human rights record, including the unprecedented torture and atrocities perpetrated by the Central Intelligence Agency, extreme racial discrimination, police abuse and other appalling human rights violations.

50. **Mr. de la Mora** (Mexico) inquired whether the High Commissioner could provide any thoughts on his participation at the recent Special Session of the General Assembly on the World Drugs Problem and on what measures his Office could take on those issues. He also wished to know what actions OHCHR envisaged for assisting Member States in implementing the New York Declaration for Refugees and Migrants given that negotiations relating to the adoption of a global compact on safe, regular and orderly migration were just starting.

51. **Mr. Moussa** (Egypt) noted with concern the inclusion in the report of some priority areas, including the abolition of the death penalty and discrimination on the basis of sexual orientation and gender identity, which did not garner the wider support of the international community. He sought further clarification from the High Commissioner on how such priority areas were determined. With regard to organizational change, any attempt to codify new norms outside the intergovernmental process, including the Human Rights Up Front initiative, should be avoided until they had been adequately considered and approved by Member States. Failure to do so would raise suspicions that they might be used to justify unwarranted interventions in vulnerable countries for political reasons. He was concerned about the growing reliance of OHCHR on extrabudgetary sources, including earmarked contributions. The composition of the staff of the Office should reflect a more equitable geographical distribution.

52. **Mr. Mikayili** (Azerbaijan) said that at the last two sessions of Human Rights Council, the High Commissioner had touched upon the conflict in and around the Nagorno-Karabakh region of Azerbaijan. However, his delegation had noted that footnote references in various United Nations documents on the conflict failed to use the correct terminology for the region. He urged the Office to adhere strictly to the official United Nations terminology, as reflected in the relevant Security Council and General Assembly resolutions, namely "the Nagorno-Karabakh region of Azerbaijan".

53. **Ms.** Hyuni **Hwang** (Republic of Korea) said that her delegations concurred that strengthening human rights mechanisms was more crucial than ever before. Regrettably, however, some Member States, in particular the Democratic People's Republic of Korea, still denied those mechanisms access and refused to cooperate with them. Two years had passed since the release of the historic report by the commission of inquiry on human rights in the Democratic People's Republic of Korea but no signs of improvement on the ground had been seen. Indeed, that regime continued to ruin its own people's livelihood as they went hungry while it allocated scarce economic resources into testing nuclear weapons and launching missiles to maintain its grip on power. Her delegation strongly believed that there should be no impunity for human rights violators.

54. **Ms. Rodriguez** (Bolivarian Republic of Venezuela) said that it was unacceptable to politicize human rights mechanisms in order to condemn individual countries for exercising their sovereign right to exist and choosing their own form of development, while applying double standards to level accusations against entire countries for economic or political purposes. Recognizing the universality of human rights implied taking into account the diversity of cultures and political systems and promoting peaceful coexistence. High-level bodies such as OHCHR must not lose sight of the need for impartiality and objectivity in their work and must adhere strictly to the principles and purposes of the Charter of the United Nations and to the terms of General Assembly resolution 48/141.

55. **Ms. Garcia** (Costa Rica), noting that the High Commissioner had referred in his report to processes and practical orientations for protection of the human rights of migrants in vulnerable situations and those involved in large-scale or mixed movements, asked him to elaborate further on the matter, with reference, in particular, to the xenophobia often observed in such situations.

56. **Mr. Bessedik** (Algeria) underscored the importance of promoting human rights on a non-discriminatory basis, and emphasized that any attempt to separate civil, political and cultural rights from social and economic rights could lead to a selective approach that was inconsistent with human rights principles.

57. His country commended the efforts by the United Nations High Commissioner for Human Rights to combat racism, racial discrimination and xenophobia, and urged him to continue to monitor those phenomena worldwide and to devote particular attention to their diffusion in certain societies. The Human Rights Council must, moreover, give greater attention to the issue of migration with a view to facilitating efforts to find a comprehensive solution to that issue that safeguarded the rights of migrants and addressed the root causes of migration.

58. Algeria condemned the ongoing human rights violations perpetrated by the occupation authorities in Palestine and other occupied Arab territories. His delegation deeply appreciated the information regarding those violations contained in the most recent report of the High Commissioner, but wondered why that report had failed to include any information regarding the ongoing gross human rights violations in Non-Self-Governing Territories, where people were still denied their right to self-determination.

59. **Mr. Aliu** (Ghana), speaking on behalf of the African Group, said that he had noted with concern the inclusion in the report of some priority areas that clearly did not enjoy consensus and which did not garner the wider support of the international community. He sought further clarification on the process by which such priority areas were selected, pointing out that they clearly represented more of a priority to some States than others. With reference to the scope of the proposed hubs, he would welcome an explanation as to how they would cover countries that were not a party to the negotiations relating to their terms of reference. Restructuring was not simply an organizational matter but had serious substantive implications. The prior consent of the General Assembly on the proposed initiative was imperative. He inquired about claims that some of the elements of the organizational change initiative had already been implemented and expressed concern about the growing reliance of the Office on extrabudgetary resources, including earmarked contributions. Lastly, he called for a more equitable geographic representation in the composition of the staff of the Office.

60. **Mr. Mohamed** (Sudan) asked the High Commissioner which victims of sexual violence were referred to in paragraph 75 of his report. Since October 2014 and the controversial incident in Tabit village, human rights violations, including sexual violence, had been stemmed. Consecutive reports submitted so far in 2016 attested to that fact. Indeed, the most recent report on the work of the African Union-United Nations Hybrid Operation in Darfur (UNAMID) pointed to an overall improvement in the human rights situation in Darfur. He called upon the relevant United Nations offices to continue to adhere scrupulously to the principle of zero tolerance. The duplication of human rights mechanisms should be avoided.

61. **Mr. Qassem Agha** (Syria), referring to the comments made by the representative of Liechtenstein regarding the situation in Aleppo, said that Aleppo was part of the territory of the Syrian Arab Republic and not part of Liechtenstein. His comments therefore

constituted interference in Syria's internal affairs. Together with its friends and allies, Syria was striving to combat the terrorists that had destroyed that city. Those terrorists were supported by States whose names were known to all. Noting that the representative of Liechtenstein had talked about mechanisms for prosecuting those responsible for crimes in Aleppo, he asked whether holding the perpetrators of human rights violations accountable for their crimes fell within the mandate of OHCHR, and expressed the hope that the State supporters of terrorism in Syria would be held accountable for their actions. Finally, he asked the High Commissioner why his Office had not yet sent a team to investigate the massacres of civilians, in which many children had been killed, that had taken place in Yemen as a result of Saudi Arabia's bombing campaign against that country.

62. **Mr. Rabi** (Morocco) said that his country commended the decision of the United Nations High Commissioner for Human Rights to launch a far-reaching organizational change initiative at OHCHR with a view to enhancing the responsiveness and adaptability of the Office and better integrating its work at OHCHR Headquarters and in the field. Morocco believed that it was vital to sustain coherence among all entities comprising the international human rights system, while also respecting the mandates of individual entities. It was also important to avoid the politicization of human rights and to resist any attempt to use human rights issues to undermine the unity, sovereignty or stability of States. The mandate and independence of OHCHR must also be respected, in accordance with General Assembly resolution 48/141, which underscored that the High Commissioner bore primary responsibility for human rights within the United Nations system. Any United Nations initiative to promote human rights must therefore be conducted under OHCHR auspices, not only because the Office was the only United Nations body with a mandate to conduct human rights initiatives, but also because its staff had a profound understanding of human rights, the necessary expertise to investigate human rights concerns, and the capacity to formulate objective and credible reports in that area.

63. Although Morocco supported the noble goals set forth in the Human Rights Up Front initiative, it did not believe that assigning responsibility to certain individuals and institutions to monitor human rights within States and to write reports in that regard was an appropriate way to proceed, as those individuals and institutions did not have the necessary expertise or mandate to undertake that task. There was, moreover, a danger that those institutions, and particularly those working in the field of development, could harbour political agendas. He asked the High Commissioner for his views on the Human Rights Up Front initiative and the role that he believed that the Office should play in that regard. He also asked him to provide details of the steps being taken to enhance coherence between the OHCHR headquarters in Geneva and its office in New York. Finally, he underscored that his country shared the concerns expressed by the representative of Norway regarding the lack of financial resources available to OHCHR, and was particularly concerned that the Office remained dependent on voluntary contributions to finance its mandated activities from the Human Rights Council.

64. **Mr. Al Hussein** (United Nations High Commissioner for Human Rights), referring to possibilities for OHCHR to engage more deeply with implementation of the 2030 Agenda, said that the human rights architecture was already universal and therefore OHCHR did not have the same Global South focus as the rest of the United Nations. Human rights was dealt with as an enclosed system, the "human rights envelope", with its own mandate, peer review in the form of the universal periodic review and expert advice through special procedures. He believed, therefore, that OHCHR was well placed to help Member States further develop the commitments they had undertaken in the 2030 Agenda and had already been collaborating with the rest of the United Nations and the World Bank on options for deepening those partnerships. Civil society could provide great support to Governments, but only if it was able to exercise the right to freedom of expression and therefore hold Governments to account. Much of the future depended on pivotal elections to be held around the world over the following year, which would determine the direction the United Nations would take as a result. Regarding the question from the representative of the European Union on early warning systems, OHCHR was proactive in raising concerns about emerging crises, approaching delegations and requesting access. The Human Rights Up Front initiative was further empowering the rest of the system to alert OHCHR to

emerging patterns that needed to be very closely followed.

65. The OHCHR mandate allowed it to examine accountability in Syria, regardless of the identity of the alleged perpetrator, but access was vital and OHCHR had had a presence in Yemen for some time. OHCHR believed that accountability was essential in all cases where human rights violations were perceived to have occurred or had been reported, and Member States and the General Assembly were considering possible accountability mechanisms. It was very important for the sake of the victims and for the future of the country in question that accountability should be pursued. In terms of better cooperation on access, bilateral discussions were under way, but there was no quick solution.

66. Regarding the change initiative, the term "hubs" was no longer used. OHCHR already had six regional offices that it was strengthening further, and had requested two additional offices. It was perhaps surprising for those outside the United Nations to learn that the discussions revolved around the movement of staff members that represented less than 6 per cent of the total number of OHCHR staff. Member States in both New York and Geneva had expressed their deep commitments to human rights, and he would be delighted to see assessed contributions to OHCHR rise significantly in line with those commitments. OHCHR had listened very carefully to the comments of delegations regarding the change initiative and believed that progress had been made.

67. Turning to the question posed by the representative of Mexico on illicit drugs, he said that a panel discussion on the impact of the world drug problem on the enjoyment of human rights had been held at the thirtieth session of the Human Rights Council and a report on the outcome of the discussion (A/HRC/31/45) had been submitted to Member States in December 2015. The report had made clear that, as the Human Rights Committee had determined, drugs-related offences did not meet the threshold of the "most serious crimes", as was required for the imposition of the death penalty. OHCHR also believed that drug use should be decriminalized and treated as a public health issue.

68. On the subject of migration, OHCHR believed it should defend vulnerable communities that were being blamed for ills of society that were the result of deeper structural problems, and would continue to speak out against such scapegoating. Regarding the inadvisability of giving an opinion on issues on which a consensus had yet to be reached, the normative framework of human rights law was moving from standards towards obligations when treaties entered into force. There was a need for duty bearers to uphold their obligations and to work within that normative development. It would, for example, have been impossible to end slavery if nothing could have been said until a collective agreement had been reached. In relation to the question from the representative of Sudan on the provision of assistance to victims of sexual violence, referred to in paragraph 75 of his report, in the opinion of his Office, the paragraph did not suggest that the violations were ongoing, only that there had been victims and they were being attended to by OHCHR.

Organization of work

69. **Mr. Khane** (Secretary), referring to the request for a right of reply that had been granted during the nineteenth meeting, said that he wished to reiterate that it had been a long-standing practice of the Committee not to entertain rights of reply in the context of the interactive dialogues. Although he accepted that a precedent had been set by granting the request the previous day, the Committee should be clear about the consequences of departing from established practice. Allowing delegations to exercise the right of reply after each interactive debate would be time-consuming and could also have political consequences for Committee proceedings, since the point in question might relate to a statement made by a special rapporteur or other mandate holder. He also wished to recall that the right of reply was not an absolute right, but rather was granted at the discretion of the Chair.

70. **Mr. Rabi** (Morocco) said that, while he understood the comments of the Secretary regarding established practice, the rules of procedure must be respected. Rights of reply must be granted by the Chair, and since she had been elected, she should be trusted to do what was best. In the event that a request was made and the Chair's decision was contested, rules also existed to address that situation.

The meeting rose at 5.40 p.m.